

Exhibit "37"

INTERROGATORY

I, Dennis M. Thompson, Ass't. Chief Inspector : GS-14,
(name of person) (title and grade of your position)

do hereby solemnly SWEAR that the answers I provide to
(swear or affirm)

the questions herein are the truth, the whole truth and nothing but the truth (so help me God).

1. How many years of Federal service do you have? 20 yrs.

2. How long have you been employed by the Immigration & Naturalization Service (INS)? 20 yrs.

3. At which office location are you presently employed? How long have you worked there? OFFICE OF INSPECTIONS, HEADQUARTERS, INS, WASHINGTON, DC.
SINCE OCTOBER 25, 1999.

4. Who is your immediate supervisor; how long have you worked for him/her? PAUL M. MORRIS.
ONE WEEK AT INS, HEADQUARTERS, WASH. DC

5. The record evidence shows that the complainant, Mr. Andrew Lopez, filed a complaint of discrimination based on race (Hispanic/Latino), national origin (Mexican American) and reprisal. In this connection, would you please state your race and national origin? CAUCASIAN,
OF IRISH ORIGIN.

6. With respect to the issue involving a letter he received dated January 28, 1999 indicating that his performance had fallen below fully successful (FS) in two critical elements in his performance work plan (PWP), did you sign this letter? If no, who did?

NO.

JENICA SUPERVISORY INSPECTOR
KELLY B. BREHM.

7. What role did you play in preparing this letter?

I Reviewed The DRAFT, AS The COMPLAINANT'S
"REVIEWING OFFICIAL", AND I CONCURRED WITH
THE CONTENTS OF THE LETTER.

8. Did you agree with the contents of the letter? If no, explain.

Yes.

9. What two critical elements were identified as below FS?

They were RELATED TO TRAINING
AND INTELLIGENCE ACTIVITIES, I BELIEVE.

10. What is the complainant's annual rating period (from and to)?

FROM APRIL 1, TO MARCH 31.

11. Were all the reasons for notifying the complainant about his performance stated in the letter dated January 28, 1999? If no, explain.

Yes.

12. Was the letter of January 28, 1999, the same letter that advised him he was being placed in a Performance Improvement Plan (PIP) for 30 days? Explain.

Yes, it WAS THE ONLY LETTER SERVED on him.

13. Did the complainant offer any rebuttal to the letter(s) of January 28, 1999? If yes, was it in writing? If not in writing, did he speak to you and, in brief, what did he say.

He offered NO REBUTTAL TO MY KNOWLEDGE. AN UNFAIR LABOR PRACTICE WAS FILED BY THE BARGAINING UNIT ON HIS BEHALF. He did not speak to me REGARDING THE MATTER.

14. Prior to January 28, 1999, was it ever necessary to notify the complainant that his performance was falling below FS? If yes, explain.

No. NOT TO MY KNOWLEDGE.

15. At the end of the 30 days that he was subject to a PIP,

(1) was the period extended (in writing)?

No.

(2) did he receive any written notice that his performance still had not improved to the point that further action would be taken; or

No.

(3) did he receive written notification that his performance had improved to at least at the FS level?

ONLY THAT HIS FINAL OVERALL RATING FOR THE PERIOD IMPROVED TO "EXCELLENT".

16. In the last two years, have you placed any other employee, who is a Senior Inspector, GS-11 or higher, in a PIP? If yes, who; what is this person's race and national origin?

No.

17. Was the complainant's race and/or national origin factors in your determination that his performance had fallen below FS and it was necessary to place him in a PIP? If yes, explain.

HIS RACE AND/OR NATIONAL ORIGIN WERE NEVER DISCUSSED BY HIS IMMEDIATE SUPERISOR OR ME WHEN RELATING TO THE PIP AT ANY TIME.

18. As to the matter of the complainant being told on February 3, 1999 that he was to on assignment to Guam for two weeks, please respond to the following:

a. Did you tell the complainant he had to go to Guam for two weeks? If no, who did? Was this a decision you made or were advised by someone to send him to Guam? If made by someone else, who made the decision?

NO. KELLY BREHM DIRECTED HIM TO GUAM, PER INSTRUCTIONS FROM DISTRICT DIRECTOR RADCLIFFE.

b. What was the reason for sending him on this assignment?

THE PRIORITY WAS FOR ENFORCEMENT OFFICER FROM SENIOR UNIT TO COMPLEMENT THE DETENTION FORCE MOBILIZED TO GUAM PER THE EMERGENT CONDITIONS.

c. What were the actual dates of the assignment to Guam?

I DO NOT HAVE ACCESS TO THESE DATES FROM MY CURRENT ASSIGNMENT SITE AND I DON'T RECALL EXACTLY; IN ~~APRIL~~ APRIL, I BELIEVE

d. Had the complainant ever been sent to Guam in the past on assignment? If yes, when; for how long a period?

NO, NOT TO MY KNOWLEDGE.

e. Is there any regulation/policy/directive about how much advance notice an employee must receive before going on assignment to such places as Guam? If yes, please identify the regulation/policy/directive.

No, not to my knowledge; under emergent conditions.

f. Is there a normal advanced notice period for such assignments? If yes, what is it; are there any exceptions? Was this an exception?

~~*No, not under these circumstances.*~~

No, not under these circumstances.

g. In the last two years have you sent any other Senior Inspector, GS-11 or higher, on temporary assignment to such places as Guam? If yes, who; what is this person's race and national origin, how long a period? How much advance notice was this person(s) given?

I AM NOT AWARE OF SUCH DETAILS SPECIFICALLY FOR A SENIOR INSPECTOR.

h. Was the complainant's race and national origin factors in the determination to send him on a two week assignment to Guam? If yes, explain.

No.

19. The complainant also indicated that the above actions were taken in reprisal for his previous EEO protected activity. In this connection, please respond to the following:

a. Were you aware that the complainant previously engaged in EEO protected activity? Previous EEO protected activity includes filing a previous complaint, testifying for someone else in their complaint, protesting a policy or regulation as discriminatory. If yes, what type of activity was it?

I HAVE NO RECALL OF SUCH PRIOR "PROTECTED ACTIVITY" ON BEHALF OF THE COMPLAINANT.

b. If you know, please indicate the date(s) of his previous protected activity?

UNKNOWN.

c. Do you recall the issue(s) involved in his previous EEO protected activity? If yes, what was it?

No.

d. Were you involved in his previous EEO protected activity? If yes, how?

NOT TO MY KNOWLEDGE.

e. Were any of the actions described above (i.e., notice his performance had fallen below FS, PIP and assignment to Guam) taken in retaliation for the complainant's previous protected activity? If yes, explain.

NO.

20. Is there anything else *related* to the above matters that you wish to add? If yes, do so here.

No.

I have read the above statement, consisting of 2 pages, and it is true and complete to the best of my knowledge and belief. I understand the information I have given is made under penalty of perjury and is not considered confidential.

Subscribed and (sworn to) (affirmed)
before me at Lawrenceville, GA
on this 19th day of November 1999

Dennis M. Thompson
DAE Ste
Investigator's signature

(?)
Complainant's Signature
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